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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,631	02/27/2002	Woon Shing Tai	47774/MEG/C990	3687

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EXAMINER

LEGESSE, NINI F

ART UNIT PAPER NUMBER

3711

DATE MAILED: 05/09/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,631

Applicant(s)

TAI ET AL.

Examiner

Nini F. Legesse

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Applicant's election without traverse of Claims 1-23, drawn to a golf putting aid, in Paper No. 7 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 7, 10, 11, 15, 17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cork (US Patent No. 3,806,133).

Cork discloses a golf practicing apparatus (Fig. 1) comprising:

- First and second attachment structures (7);
- An upper and a lower alignment members (6);
- Wherein alignment members are non-adjustable in the vertical plane which is perpendicular to the putting surface (Fig. 1);
- At least one support member (8) attached to the attachment structures (7) for supporting the attachment structures perpendicular to the putting surface (Fig. 1);
- Wherein at least one support member is compactable (referring to Figs 1-3, it is shown that the device has wing nuts that are used to fix the alignment members/rods. Thus it is clear that when the wing nuts are taken out the device could be compactable);

- Wherein at least one support member contains a hinge (Fig. 2, the location of item 10 is the hinge point as stated in column 2, lines 46-50);
- Wherein at least one of the first and second attachment structures (8) contains a pointed lower end for insertion into a putting surface (Fig. 1); and
- Wherein the second attachment structure (7) has an upper opening (10) through which an upper alignment member (6) extends and a lower opening (11) through which the lower alignment member (6) extends (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4-6, 12, 16, 18, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Cork in view of Clement (US Patent No. 6,048,273).

Cork discloses the invention as recited above but fails to include a flexible alignment members, a target with an opening wherein the opening is at least as large as a regulation size golf ball, and wherein the device is longitudinally adjustable. However, Clement discloses a putting aid (Fig. 1) that has a flexible alignment member (16), a target with an opening wherein the opening is at least as large as a regulation size golf ball (the lower part of item 12 and column 5, lines 59-61 indicates that a golf ball could pass through the cutout), and wherein the device is longitudinally adjustable (in column

5, lines 20-30 it is indicated that the cord (16) can be adjusted to different length as desired). It would have been obvious to one of ordinary skill in the art at the time the invention is made to provide a target and a flexible alignment member that is adjustable in order to provide a golfer the ability to practice correct golf swings both out doors or in doors where space is limited.

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cork in view of Kendall et al. (US Patent No. 5,776,007).

Cork fails to disclose a support member that is bowed downwardly towards the putting surface such that at least a portion of the support member is disposed lower than the lower alignment member. However, Kendall et al. disclose a support members (49, 50) that are bowed downwardly towards the putting surface such that at least a portion of the support members are disposed lower than the lower alignment member (Fig. 6). It would have been to one of ordinary skill in the art at the time the invention was made to provide bowed support members as disclosed by Kendall et al. in the Cork device as an alternative way of manufacturing simpler and cheaper support members.

Claims 1-7, 10-12 and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clement in view of Montgomery (US Patent No.5,273,284) and Moriarty (US Patent No. 3,656,752).

Clement discloses a putting stroke teaching aid apparatus (Fig. 1) comprising:

- First and second attachment structures (10, 12);
- Alignment member (16);

- At least one support member (28, 34) attached to the attachment structures (10, 12) for supporting the attachment structures perpendicular to the putting surface (Fig. 1);
- Wherein at least one support member is compactable (referring to Figs 1-3, it is shown that the device has a reel (14) that is used to retract the cord. Thus it is clear that when the cord is retracted the device could be compactable);
- Wherein the attachment structures (10, 12) have multiple opening (30, 36);
- A flexible alignment member (16);
- A target with an opening wherein the opening is at least as large as a regulation size golf ball (the lower part of item 12 and column 5, lines 59-61 indicates that a golf ball could pass through the cutout); and
- Wherein the device is longitudinally adjustable (in column 5, lines 20-30 it is indicated that the cord (16) can be adjusted to different length as desired).

Clement discloses the invention as recited above but fails to show a second alignment member. However both Montgomery and Moriarty discloses the use of two alignment elements that are positioned one above the other (refer to Fig. 7 and column 4, lines 25-35 of the Montgomery reference and Fig 2-3 and column 1, lines 47-54 of the Moriarty reference). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide two alignment members as taught by both Montgomery and Moriarty in the Clement device in order "to teach a golfer the art of lining his or her eyes vertically over the ball and line of the putt" as stated in column 4, lines 25-35 of the Montgomery reference.

Claims 13, 14, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1-7, 10-12 and 15-21 above, and further in view of Randall (US Patent No. 5,209,484).

The references as applied to the above claims fail to show reference markers. However, Randall teaches the use of reference markers (44a, 44b, 44c, 48 these items are referred as locating members in the Randall reference). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide reference markers as taught by Randall in the Clement device in order to help a golfer to gage the length of his putt and the golfers ability to adjust the markers relative to the alignment of the device, optimizes his putting stroke for any particular situation of varying slopes in the putting green.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nini F. Legesse whose telephone number is (703) 605-1233. The examiner can normally be reached on Monday -Friday from 9:30 AM to 6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Paul T. Sewell
Supervisory Patent Examiner
Group 3700